

Condensed Transcript
Testimony of:

COLLEEN DUNN

Date: May 30, 2019

Anthony J. Pipito v. Lower Bucks County Joint Municipal Authority, et al.

No.: USDC E.D.PA 18-4885

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COLLEEN DUNN

Pages 1 to 4

<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA 3 * * *</p> <p>4 ANTHONY PIPITO : 5 v. : 6 LOWER BUCKS COUNTY JOINT : 7 MUNICIPAL AUTHORITY and : 8 VIJAY RAJPUT : NO. 18-4885</p> <p>9 * * *</p> <p>10 May 30, 2019 11 * * *</p> <p>12 Oral deposition of COLLEEN DUNN, 13 held in the offices of Lower Bucks County 14 Joint Municipal Authority, 7811 New Falls 15 Road, Levittown, Pennsylvania 19055, 16 commencing at 10:05 a.m., on the above date, 17 before Hope Agosto, a Professional Court 18 Reporter and a Notary Public.</p> <p>19 * * *</p> <p>20 R&K REPORTING 21 Court Reporting Services 22 PO Box 1372 23 Levittown, Pennsylvania 19058-1372 24 Phone (215) 946-7009 Fax (215) 949-1867</p>	<p>1 * * * 2 INDEX 3 * * *</p> <p>4 WITNESS PAGE NO. 5 COLLEEN DUNN 6 By Mr. Weinstein 4</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 * * *</p> <p>13 EXHIBITS 14 * * *</p> <p>15 NO. DESCRIPTION PAGE NO. 16 (NONE)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p>1 A P P E A R A N C E S: 2 3 WEINSTEIN LAW FIRM, LLC 4 BY: MARC E. WEINSTEIN, ESQUIRE 5 500 Office Center Drive 6 Suite 400 7 Fort Washington, Pennsylvania 19034 8 (267) 513-1942 9 marc@meweinsteinlaw.com 10 -- Counsel for the Plaintiff</p> <p>11 12 MARKS, O'NEILL, O'BRIEN, 13 DOHERTY & KELLY 14 BY: CECIL J. JONES, ESQUIRE 15 1617 John F. Kennedy Boulevard 16 Suite 1010 17 Philadelphia, Pennsylvania 19103 18 (215) 564-6688 19 c.jones@moodklaw.com 20 -- Counsel for the Defendants</p> <p>21 22 23 24</p>	<p>1 * * * 2 (It is hereby stipulated and 3 agreed by and between counsel for the 4 respective parties that the sealing, 5 filing and certification are waived; and 6 that all objections, except as to the 7 form of the question, be reserved until 8 the time of trial.) 9 * * * 10 COLLEEN DUNN, after having been 11 first duly sworn, was examined and 12 testified as follows: 13 * * * 14 EXAMINATION 15 * * * 16 BY MR. WEINSTEIN: 17 Q. Ma'am, could you state and spell your 18 full name, please? 19 A. Sure, it's Colleen Dunn, 20 C-O-L-L-E-E-N, D-U-N-N. 21 Q. And your residential address? 22 23 24</p> <p>Q. Ma'am, does anyone live at that</p>

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<p style="text-align: right;">29</p> <p>1 harassment memo?</p> <p>2 A. We had, just to finish proofreading.</p> <p>3 Q. And was anybody else in that meeting?</p> <p>4 A. Not that I can recall.</p> <p>5 Q. And did anybody else propose changes to the draft memo as far as you're aware?</p> <p>6 A. Not that I can recall, or not that I know I should say.</p> <p>7 Q. If you look at email number 12, Bates stamped LBCJMA email 12, if you look at those last two pages of these set of documents I gave you. Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. It's number 12 and 13 at the bottom.</p> <p>10 A. Yes.</p> <p>11 Q. Compared to 9 and 10, were 12 and 13 prepared before or after, if you know?</p> <p>12 MR. JONES: Do you understand what he's asking?</p> <p>13 THE WITNESS: Can you repeat that?</p> <p>14 BY MR. WEINSTEIN:</p> <p>15 Q. Sure. If you look at 9 and 10, am I right that those mark-ups on 9 and 10 were your</p>	<p style="text-align: right;">31</p> <p>1 Q. Who prepares the checks?</p> <p>2 A. Accounts payable.</p> <p>3 Q. Who is in accounts payable?</p> <p>4 A. Laureen.</p> <p>5 Q. Have you seen checks that have been prepared to S2A Technologies?</p> <p>6 A. Physically, no.</p> <p>7 Q. Have you seen the data or spreadsheets or QuickBooks indicating payments that have been made to S2A Technologies?</p> <p>8 A. Yes.</p> <p>9 Q. Tell me about that, please.</p> <p>10 A. It comes over as a requisition to be signed and that's where I see it.</p> <p>11 Q. Do you have to approve the payments?</p> <p>12 A. Yes. I'd like to rephrase. I don't approve payments. I approve the ability for the item to be presented to the board.</p> <p>13 Q. For calendar year 2018, what's the estimated total of payments made to S2A Technologies from the Authority?</p> <p>14 A. I do not know.</p> <p>15 Q. If you wanted to wanted to find out, how would you find out?</p>
<p style="text-align: right;">30</p> <p>1 mark-ups?</p> <p>2 A. Yes.</p> <p>3 Q. Proposed to Vijay?</p> <p>4 A. Yes.</p> <p>5 Q. Tell me, then, if you know, what is 12 and 13?</p> <p>6 A. Another revision.</p> <p>7 Q. And who did that?</p> <p>8 A. I did.</p> <p>9 Q. So you did both of these revisions to the memo, both sets of revisions?</p> <p>10 A. Yes.</p> <p>11 Q. And do you know which one or which set of revisions came first, 12, 13 or 9 and 10?</p> <p>12 A. 12 and 13 are the last ones I have.</p> <p>13 Q. You're aware of S2A Technologies?</p> <p>14 A. Yes.</p> <p>15 Q. And have you signed checks on behalf of the Authority?</p> <p>16 A. I don't sign checks.</p> <p>17 Q. Have you prepared checks on behalf of the Authority to go to S2A Technologies?</p> <p>18 A. I don't prepare.</p>	<p style="text-align: right;">32</p> <p>1 A. Log onto my system and look it up.</p> <p>2 Q. When's the last time you have ever looked?</p> <p>3 A. I don't look.</p> <p>4 Q. Do you know if there's a particular hourly fee or educational fee that is charged the Authority by S2A Technologies?</p> <p>5 A. I know there's a fee per class, per individual. Hourly rates, no.</p> <p>6 Q. And what's the fee per class?</p> <p>7 A. I can't recall. I honestly believe it depends on the class.</p> <p>8 Q. Have you ever met Mrs. Rajput?</p> <p>9 A. Yes.</p> <p>10 Q. Has she ever been to the Authority?</p> <p>11 A. No.</p> <p>12 Q. Under what circumstances have you met her?</p> <p>13 A. At a retreat for health insurance.</p> <p>14 Q. And do you know why she was there at a retreat on health insurance?</p> <p>15 A. Because spouses are invited.</p> <p>16 Q. And have you ever seen any invoices sent to the Authority from S2A Technologies?</p>

<p style="text-align: right;">33</p> <p>1 A. No.</p> <p>2 Q. How is it that you know the Authority 3 knows what to pay S2A Technologies if there's 4 no invoice that's received?</p> <p>5 MR. JONES: Objection, 6 mischaracterizes her testimony. She 7 just said she hasn't seen them.</p> <p>8 BY MR. WEINSTEIN:</p> <p>9 Q. Do you see the invoices?</p> <p>10 A. It's a price per class, so it's truly 11 not an invoice. If an employee goes, we pay 12 for them to attend the class.</p> <p>13 Q. How do you know whether someone has 14 gone to the class such that a payment should be 15 made?</p> <p>16 A. They get a certificate.</p> <p>17 Q. And what does the Authority get so 18 that it knows, it has document to justify the 19 payment?</p> <p>20 MR. JONES: Objection to form.</p> <p>21 THE WITNESS: The certificate 22 comes here.</p> <p>23 BY MR. WEINSTEIN:</p> <p>24 Q. Each time a certificate comes here,</p>	<p style="text-align: right;">35</p> <p>1 A. Yes.</p> <p>2 Q. And do you know whether Dr. Rajput is 3 paid with Authority funds for any of the 4 training that he's provided?</p> <p>5 MR. JONES: Objection to form.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MR. WEINSTEIN:</p> <p>8 Q. You don't know one way or the other?</p> <p>9 A. No, he does not get paid.</p> <p>10 Q. The money is paid to S2A 11 Technologies?</p> <p>12 A. Yes.</p> <p>13 Q. And have you ever had any discussions 14 with Dr. Rajput as to whether the payments made 15 to his wife's company should be included on the 16 statement of financial interest?</p> <p>17 A. No.</p> <p>18 Q. Do you fill out a statement of 19 financial interest every year?</p> <p>20 A. I do.</p> <p>21 Q. In the course of doing it, do you get 22 any guidance from the Authority solicitor?</p> <p>23 A. No.</p> <p>24 Q. Do you get guidance from anybody?</p>
<p style="text-align: right;">34</p> <p>1 then the Authority knows to pay S2A 2 Technologies; is that what I understand?</p> <p>3 MR. JONES: Objection to form.</p> <p>4 THE WITNESS: I believe so, yes.</p> <p>5 BY MR. WEINSTEIN:</p> <p>6 Q. And when's the last time there was 7 any change to the fee per class?</p> <p>8 A. I would not know that.</p> <p>9 Q. Has it changed since the time that 10 you have been the finance manager?</p> <p>11 A. I would not know that. It depends on 12 the class that is taken. The rates seem to 13 have stayed the same.</p> <p>14 Q. Do you oversee the issuance of 1099s 15 from the Authority?</p> <p>16 A. Yes.</p> <p>17 Q. Have 1099s been issued to S2A 18 Technologies?</p> <p>19 A. To the best of my knowledge, yes.</p> <p>20 Q. Do you prepare the 1099s?</p> <p>21 A. The accounting system prepares them.</p> <p>22 Q. Do you physically then mail them out?</p> <p>23 A. Yes.</p> <p>24 Q. Do you maintain copies of them?</p>	<p style="text-align: right;">36</p> <p>1 A. No.</p> <p>2 Q. And has Vijay ever discussed with you 3 his preparation of his statement of financial 4 interest?</p> <p>5 A. No.</p> <p>6 Q. Is it your understanding that 7 payments made to his wife's company should be 8 on Dr. Rajput's statement of financial 9 interest?</p> <p>10 MR. JONES: Objection to form.</p> <p>11 THE WITNESS: There -- I don't 12 look at them. They're in another 13 office.</p> <p>14 BY MR. WEINSTEIN:</p> <p>15 Q. Where are those statements of 16 financial interests?</p> <p>17 A. In the administration secretary's 18 office.</p> <p>19 Q. Where is that located?</p> <p>20 A. Around the corner.</p> <p>21 Q. So it's here in this building?</p> <p>22 A. Yes.</p> <p>23 Q. And who is that administration 24 secretary that you're referring to?</p>

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<p style="text-align: right;">37</p> <p>1 A. Debbie Magro.</p> <p>2 Q. And do you know for how long the 3 statement of financial interests are maintained 4 here at the Authority?</p> <p>5 A. I believe indefinitely.</p> <p>6 Q. Do you know if there's any process 7 here at the Authority to determine whether 8 everyone who is supposed to prepare a statement 9 of financial interest has done so?</p> <p>10 MR. JONES: Objection to form.</p> <p>11 THE WITNESS: We keep records of 12 who needs to turn them in and they 13 need to -- you know, they get turned 14 in.</p> <p>15 BY MR. WEINSTEIN:</p> <p>16 Q. Who is it that maintains this record 17 or list?</p> <p>18 A. The secretary, Debbie.</p> <p>19 Q. Do you know whether anyone checks it 20 every year to make sure it's been done by the 21 appropriate people?</p> <p>22 MR. JONES: Objection to form.</p> <p>23 THE WITNESS: If it's requested 24 from them, it gets turned in.</p>	<p style="text-align: right;">39</p> <p>1 A. Laureen.</p> <p>2 Q. And have you spoken with Mike Andrews 3 since yesterday?</p> <p>4 MR. JONES: Objection to form.</p> <p>5 Objection to the extent you're asking 6 for privileged communications.</p> <p>7 Don't divulge anything you have 8 discussed in the presence of counsel 9 or relating to any legal device we 10 provided.</p> <p>11 BY MR. WEINSTEIN:</p> <p>12 Q. Without telling me what the 13 discussions were, have you had any discussions 14 with this Mike Andrews since yesterday?</p> <p>15 A. This morning.</p> <p>16 Q. Was anybody else there?</p> <p>17 A. Dr. Rajput and myself.</p> <p>18 Q. Anybody else?</p> <p>19 A. No.</p> <p>20 MR. JONES: I was present, right?</p> <p>21 THE WITNESS: Oh, it was before 22 you got there.</p> <p>23 MR. JONES: So you had a meeting 24 before I got there as well?</p>
<p style="text-align: right;">38</p> <p>1 BY MR. WEINSTEIN:</p> <p>2 Q. Who decides from whom it gets 3 requested?</p> <p>4 A. The State Ethics Commission. They 5 are the ones who require the forms.</p> <p>6 Q. Have you spoken with Leonard Rodak 7 since yesterday?</p> <p>8 A. No.</p> <p>9 Q. Have you spoken with Walt Appleton 10 since yesterday?</p> <p>11 A. No.</p> <p>12 Q. Do you see invoices that come in from 13 the Authority's solicitor?</p> <p>14 A. Yes, with the accounts payable 15 report.</p> <p>16 Q. And on those invoices, does it 17 indicate how the time was spent?</p> <p>18 A. Yes, to the best of my knowledge.</p> <p>19 Q. And if you were asked to find those 20 invoices, where would you go to look?</p> <p>21 A. Accounts payable.</p> <p>22 Q. Where is that?</p> <p>23 A. In this office.</p> <p>24 Q. And what person oversees those?</p>	<p style="text-align: right;">40</p> <p>1 THE WITNESS: It wasn't a 2 meeting. We talked about composting.</p> <p>3 MR. JONES: For purposes of the 4 record, in case we have to litigate 5 this later, I'm not directing these 6 witnesses to not divulge any 7 discussions they had, but to the 8 extent it relates to advice I have 9 given, communications that they have 10 had about the case in support of our 11 defense, those are the communications 12 that I'm asking the witness not to 13 divulge. Now, if you're asking her 14 questions about discussions they have 15 had about other matters not 16 pertaining to the case, then I don't 17 have any objection to you asking 18 those questions.</p> <p>19 The reason I'm objecting in an 20 abundance of caution is because these 21 witnesses are lay people that do not 22 necessarily understand what may or 23 may not be privileged, so if she 24 divulges that not knowing that it's a</p>

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1 privileged communication or it should
2 be subject to privilege, then it's
3 been waived.
4 MR. WEINSTEIN: Bear with me one
5 second. I need to talk with Mr.
6 Pipito and we'll come back and finish
7 up.
8 * * *
9 (Whereupon, a brief recess was
10 held at this time.)
11 * * *
12 MR. WEINSTEIN: Ma'am, I don't
13 have any further questions for you.
14 Mr. Jones may have questions for you.
15 MR. JONES: I do not have any
16 questions.
17 MR. WEINSTEIN: You're free to go
18 and we thank you for your
19 cooperation.
20 * * *
21 (Witness excused.)
22 * * *
23 (Deposition concluded at
24 10:48 p.m.)

1 Pipito v. LBCJMA, et al.

2 May 30, 2019 Hope Agosto, PCR

3 ACKNOWLEDGEMENT OF DEPONENT

4

5 I, COLLEEN DUNN, do hereby certify that

6 I have read the foregoing pages and that the

7 same is a correct transcription of the answers

8 given by me to the questions therein

9 propounded, except for the corrections or

10 changes in form or substance, if any, noted in

11 the attached errata sheet.

12

13 _____

14 COLLEEN DUNN DATE

15 ERRATA SHEET

16 PAGE LINE CHANGE

17 _____

18 REASON _____

19 _____

20 REASON _____

21 _____

22 REASON _____

23 _____

24 REASON _____